

State of Washington  
Department of Ecology  
Yakima Washington

IN THE MATTER OF APPLICATION FOR CHANGE BY )  
THE KITTITAS RECLAMATION DISTRICT )  
REQUESTING A CHANGE IN THE PLACE OF USE ) Emergency Drought  
UNDER COURT CLAIM NO. 00891 ) Change Authorization  
CAUSE NO. 77-2-01484-5 )

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT CHANGE AUTHORIZATION. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

Governor Locke authorized the director of the Department of Ecology to declare a statewide drought emergency on March 14, 2001. The Yakima Valley is experiencing severe drought impacts in this 2001 water year. The US Bureau of Reclamation's (Reclamation) June 1 forecast of Total Water Supply Available (TWSA) predicts that the Yakima Project's pro-ratable water right holders are likely to receive only 30% of their full water supply amount this irrigation season. The Kittitas Reclamation District is one of the junior water rights and will be subject to this pro-ration during the 2001 irrigation season.

The Cascade Irrigation District, under Court Claim 00891, has been confirmed a water right to divert 35,612 acre-feet of water for irrigation of 12,446.3 acres, stockwater, and other uses. The instantaneous diversion rate varies depending on the month.

Under this application for change, five parcels of land within the Cascade Irrigation District, totaling 42.7 acres will be left fallow this year. This application proposes to transfer the water that would be used to irrigate these lands to property owned by Ben Kern located within the Kittitas Reclamation District. Mr. Kern's KRD assessed orchard lands are located within the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 34, T. 17 N., R. 19 E.W.M. Mr. Kern proposes to pump directly from the Cascade Irrigation District's canal to the property within KRD.

The following is a list of the pasture lands under CID that will be fallowed:

1. Owner: Charles Stafford d.b.a. Therapy Works, Inc.  
Legal: NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, T. 17 N., R. 19 E.W.M.  
Current land use: Pasture  
Acres to be fallowed: 4  
Charles Stafford will retain about 2 acres for his own use
2. Owner: Barbara Deaderick  
Legal: SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, T. 17 N., R. 19 E.W.M.  
Current land use: Pasture  
Acres to be fallowed: 15.54  
This represents 100% of the Deaderick pasture land
3. Owner: Harold Fish (being purchased by David Tozer)  
Legal: NW $\frac{1}{4}$  of Section 33, T. 17 N., R. 19 E.W.M.  
Current land use: Pasture  
Acres to be fallowed: 8.34  
This represents 100% of the Fish/Tozer pasture land
4. Owner: Gene Luck  
Legal: S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, T. 17 N., R. 19 E.W.M.  
Current land use: Pasture  
Acres to be fallowed: 8.33  
This represents 100% of the Luck pasture land
5. Owner: Bentley Kern  
Legal: NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, T. 17 N., R. 19 E.W.M.  
Current land use: Pasture  
Acres to be fallowed: 6.5



The Bureau of Reclamation has reviewed this proposal and concluded that reservoir and project operations would not be negatively impacted by the proposed transfer. This proposal has also been reviewed and approved by the Conservation Advisory Group.

**Conclusions and Decision**

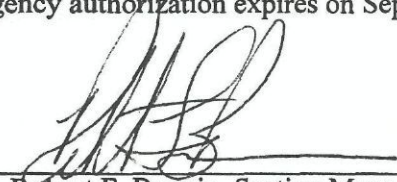
The proposed change of place of use will not impair existing water rights and is not contrary to the public interest.

This **DROUGHT EMERGENCY CHANGE DECISION** authorizes the transfer of up to 0.85 cfs and 85.42 ac-ft, for the irrigation of 42.7 acres from June 14, 2001 through the 2001 irrigation season.

The authorized place of use is land within the W½NE¼ of Section 34, T. 17 N., R. 19 E.W.M.

This drought emergency authorization expires on September 30, 2001.

APPROVED BY:

  
Robert F. Barwin, Section Manager

DATE:

6/11/2001

PC:gg  
010622



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

June 11, 2001

CERTIFIED MAIL

Kittitas Reclamation District  
PO Box 276  
Ellensburg WA 98926

**RE: Emergency Drought Change Authorization**  
**(Court Claim No. 00891; Cause No. 77-2-01484-5)**

Enclosed please find a copy of the Department of Ecology's Emergency Drought Change Authorization(s). This report constitutes our determination and order regarding the above-referenced application for change. If you have any questions or concerns about any of this information, please call Carol Mortensen of the Department of Ecology at (509) 575-2597.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,

Robert F. Barwin, Section Manager  
Water Resources Program

RFB:gg  
010622a

Enclosures: Emergency Drought Change Authorization(s)  
cc: Yakama Nation

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**Is your RETURN ADDRESS completed on the reverse side?**

**SENDER:** CC Claims # 00891 - Cause # 77-2-01484-5  
WLR-88  
 Complete items 1 and/or 2 for additional services.  
 Complete items 3, 4a, and 4b.  
 Print your name and address on the reverse of this form so that we can return this card to you.  
 Attach this form to the front of the mailpiece, or on the back if space does not permit.  
 Write "Return Receipt Requested" on the mailpiece below the article number.  
 The Return Receipt will show to whom the article was delivered and the date delivered. PC

**3. Article Addressed to:**  
 KITTITAS RECLAMATION  
 DISTRICT  
 PO BOX 276  
 ELLENSBURG WA 98926

**4a. Article Number**  
2105-6405

**4b. Service Type**  
☐ Registered  
☐ Express Mail  
☐ Return Receipt for Merchandise  
☐ COD  
☒ Certified  
☐ Insured

**7. Date of Delivery**  
6-12-01

**8. Addressee's Address (Only if requested and fee is paid)**  
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X

**5. Received By: (Print Name)**  
TINA WEBSTER

**6. Signature: (Addressee or Agent)**  
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**1. ☐ Addressee's Address**  
**2. ☐ Restricted Delivery**  
 Consult postmaster for fee.

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PS Form 3811, December 1994

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**Certified Fee** \$ 2105

**Return Receipt Fee (Endorsement Required)** \$ 0023

**Restricted Delivery Fee (Endorsement Required)** \$ 0250

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Kittitas Reclamation District  
Street, Apt. No.; or PO Box No.  
City, State, ZIP+ 4

PS Form 3800, February 2000

See Reverse for Instructions